

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIM. NO. 3:CR-19-09
	:	
v.	:	
	:	(JUDGE MANNION)
BRUCE EVANS, SR. and	:	
BRUCE EVANS, JR.,	:	
Defendants	:	

GOVERNMENT'S NOTICE OF EXPERT TESTIMONY

The United States of America, by and through Assistant United States Attorney Michelle Olshefski, and Special Assistant United States Attorneys w. Martin Harrell and Patricia C. Miller, files this Notice of Expert Witness or Witness with Expertise or Special Skill.

The United States plans to call two types of expert witnesses. The first category deals with wastewater treatment processes employed at the Greenfield Township Sewer Authority (GTSA) sewage treatment plant, Clean Water Act permit requirements that applied to the plant, and violations of those conditions as charged in the Superseding Indictment. Two of the three experts identified in this category were or are employed by the Pennsylvania Department of Environmental Protection (PADEP). The third is a wastewater treatment plant consultant hired by the GTSA shortly before it fired the defendants in early 2018.

The second category consists of laboratory analysts employed by the PADEP central laboratory in Harrisburg, Pennsylvania and the laboratory's Technical Director. They will testify regarding sample analysis, lab procedures, data review, laboratory accreditation and quality control measures (QA/QC). CVs have been

provided to defense counsel. If necessary, the United States will supplement this list with the names and qualifications of retired PADEP laboratory personnel involved in sample preparation, analysis and data review.

A. Wastewater treatment

1. Thomas Brown

Mr. Brown is a retired DEP employee who spent 41 years in the wastewater treatment profession. During his 31-year state career, he provided technical and regulatory compliance assistance to entities and individuals regulated by CWA NPDES permits and as a technical expert supporting PADEP investigations involving regulated facilities with chronic violations or suspicious activity. This work as the Wastewater Operations Advisor took him to many different facilities across the state. Mr. Brown also spent 11 years as a wastewater treatment plant operator for Somerset, PA starting in 1977. He retired in 2019 from the PADEP. Mr. Brown was a certified wastewater treatment operator, and helped develop the test given to individuals wishing to become certified operators. Mr. Brown also worked in drinking water treatment during his time in Somerset and at PADEP.

Mr. Brown's career began shortly after he graduated from high school. His expertise derives from his hands-on experience as a WWTP operator and taking numerous courses at community colleges and ones offered by PADEP and other organizations. During his career at PADEP, Mr. Brown taught numerous training courses within and outside PADEP on wastewater treatment, including the use of activated sludge as the treatment process. This began while he was employed at the Somerset POTW, and he became the person in charge of such training in 1988 for the PA Department of Community Affairs. He continued this program when he transferred to PADEP in approximately 1990. Mr. Brown has authored a paper for PADEP concerning Single Batch Reactors (SBR), the type of activated sludge system used by the GTSA. Mr. Brown has attending numerous training courses sponsored by federal, state and private agencies, and attended a two-week environmental crimes course at the Federal Law Enforcement Training Center that focused on state and local regulatory personnel. This course was sponsored by EPA's Criminal Investigation Division.

Mr. Brown has served his community of Somerset, PA since he was 18 as a volunteer fireman/first responder.

Brown will testify about the SBRs used at GTSA, his visits to the plant and discussions with the defendants, his observations concerning plant operation and maintenance, and CWA NPDES permit violations at the GTSA sewage treatment system. He will use a pictorial display to demonstrate the basics of wastewater treatment.

2. Jeremy Miller

Mr. Miller has worked for the PADEP for 21 years, including 10 years in PADEP's water quality protection program. Mr. Miller was the assigned CWA NPDES compliance inspector for the GTSA plant during the time period covered in the Superseding Indictment during which he had responsibility for hundreds of facilities with NPDES permits. Miller conducted 534 inspections from January 1, 2012, to December 31, 2018. During that time, he had inspector responsibility for 201 NPDES permits, of which 102 involved wastewater. Upon Mr. Brown's retirement, Mr. Miller became the statewide Wastewater Operations Advisor in 2020, and this is the position he occupies today. In that role, he assists regulated entities by providing technical assistance such as plant diagnostics and optimization, energy efficiency, and asset management. Like Mr. Brown, he also provides technical assistance to others at PADEP involving facilities with chronic violations or suspicious activity. Prior to working in wastewater at PADEP, Miller spent five years as an inspector in the PADEP air pollution regulatory program and in the agency's hazardous sites cleanup program. Miller obtained his wastewater plant operator certification in 2018. He also served on PADEP's emergency response team from 2019-20 where he responded to emergencies and pollution incidents. He obtained a B.S. in Biology in 2000 from Mansfield University.

Miller will testify about terms of the GTSA NPDES permit, the SBR treatment system used by the GTSA, his inspections of the GTSA sewer system between 2012 and 2018, including pump stations, sampling he conducted on various dates at the plant, and CWA NPDES permit violations.

3. Ed Gillette

The GTSA hired Mr. Gillette as its Engineer and Wastewater Treatment Plant Operator in late 2017 and early 2018 to replace David Klepadlo in those positions. Mr. Gillette received his B.S. in Civil Engineering with a focus on Sanitary Engineering from Tufts University in 1969, three years before Congress enacted the CWA in 1972. He has worked in the wastewater treatment industry for 51 years, including 17 years working for Union Carbide and consulting

engineers and then 33 years as president and principal engineer of his own firm. He had been a registered Professional Engineer in Pennsylvania since 1973, and is also a registered P.E. in 10 other states. Mr. Gillette has been a certified wastewater treatment operator in PA since 1975 and in New Jersey since 1981. He is a Diplomate of the American Academy of Environmental Engineers. He has published numerous articles on wastewater process control and plant operations, including safety and cost savings. Mr. Gillette has served as an Engineer for a 7.2 million gallon per day (MGD) advanced wastewater treatment plant for 37 years, and served as plant superintendent for sewage treatment plants ranging from the small, such as camps in the Poconos, to the large. One of the bigger ones processes 52 MGD in size. Mr. Gillette has taught courses on wastewater treatment plant operations for more than 40 years through the Commonwealth of PA, including being the co-author of proprietary software approved by the PADEP for operator training.

Mr. Gillette will testify about the nature of his work in designing sewage treatment plants and troubleshooting problems at plants with issues, how he came to work at the GTSA, plant conditions at the GTSA when he was hired, his analysis of process wastewater controls and operation and maintenance of the plant, the plant's inability to meet its NPDES permit requirements when he took over, the lack of maintenance and upkeep of equipment, how solids would be discharged from the plant's outfall into the receiving stream due to lack of proper operation and maintenance, and offer his opinions about how the plant had been mismanaged.

B. Laboratory personnel

1. Pamela Higgins

Ms. Higgins serves as the Technical Director of the PADEP's central laboratory in Harrisburg, PA. In that role, she supervises the day-to-day analytical work of the laboratory, including quality control and assurance, performed by a staff of laboratory chemists, microbiologist, other analysts and technicians.

Ms. Higgins has a Ph.D. from the University of Notre Dame in Biochemistry, and a B.S. in Chemistry and one in Biology (both magna cum laude) from DeSales University. She has taught since July, 2003, or serves today as a professor of chemistry at Dickinson College, Gettysburg College and Harrisburg University of Science and Technology. She is a member of the American Chemical Society and Association of Public Health Laboratories.

Ms. Higgins will testify concerning laboratory operations and procedures, different kinds of analytical processes, the laboratory's chain of custody, quality control and quality assurance procedures, internal data review and correction of analytical reports.

2. Theresa Barr

Ms. Barr is a chemist employed at the PADEP laboratory in Harrisburg, and has been employed there since October, 1992, in various roles. She has a B.S. in Criminal Justice from Kutztown, Pa., and completed courses involving Forensics Science at Eastern Kentucky University.

Ms. Barr will testify concerning her work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

3. Jayne Hogue

Ms. Hogue is a chemist employed at the PADEP laboratory in Harrisburg, and has been employed there since October, 2016. Prior to that time, she was a chemistry technician for the Pennsylvania State Police for slightly more than two years, and was a chemistry technician at the Community College of Allegheny County for 13 months. She has a M.A. in Chemistry from Indiana University of Pennsylvania and a MA. From Kent State University. She obtained a Certificate of Education in 2008 from Indiana University of Pennsylvania and taught various chemistry courses at the high school and college levels from 2007 through 2018.

Ms. Hogue will testify concerning her work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

4. Matthew Tuzinski

Mr. Tuzinski has been employed at the PADEP laboratory as a chemist since April of 2016. He received his B.S. in Biochemistry and Molecular Biology from Pennsylvania State University in May of 2015.

Mr. Tuzinski will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

5. Matthew Botts

Mr. Botts has been employed at the PADEP laboratory as a chemist since November, 2017, and has supervised other laboratory employees

since November, 2019. He received his B.S. in Chemistry in 2016 from Susquehanna University.

Mr. Botts will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

6. Carmen Gaston

Ms. Gatson has been employed at the PADEP laboratory since October, 1987, in various roles. She currently supervises chemists responsible for analytical measurements. She received her B.A. in Chemistry in 1980 from West Virginia Wesleyan College.

Ms. Gatson will testify concerning her work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

7. Patrick Keville

Mr. Keville has been employed at the PADEP laboratory since 2016 as a microbiologist. He received his B.S. in Biology, with a Microbiology concentration, in 2012 from West Chester University.

Mr. Keville will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

8. Jared Ronemus

Mr. Ronemus has been employed at the PADEP laboratory since July, 2008, as a chemist and chemistry technician. He worked for a private laboratory prior to that time in York, PA, for 1.5 years. He attended Harrisburg Area Community College and then Millersville University majoring in Chemistry but did not complete his B.S. degree.

Mr. Ronemus will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

9. Luke Bent

Mr. Bent has been employed by the PADEP laboratory since January of 2018 as a chemist. Prior to that, he worked for the state Department of Agriculture as a lab assistant. He received his B.S. in Mathematics and Chemistry and a B.A. in Music, summa cum laude, in 2017 from Alma College.

Mr. Bent will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

10. Tatyana Vorobeychik

Ms. Vorobeychik has been employed at the PADEP laboratory since April, 2006, as a chemist. Prior to that time, she worked in various private laboratories from 1984 to 2005. A native of Russia, she worked as a Senior Scientist at the Research Institute of Nutrition in Moscow, Russia, for 11 years before emigrating to the United States in 1995. She received a B.S. in Chemistry and Biology in 1982 from the State Teacher University in Moscow, Russia.

Ms. Vorobeychik will testify concerning her work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

11. Carla Walter

Ms. Walter has been employed at the PADEP laboratory since December, 2010 as a chemist. She has supervised a staff of chemists since July of 2021. She received her B.S. in Biochemistry in 2008 from Susquehanna University.

Ms. Walter will testify concerning her work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

12. Janelle Barry

Ms. Barry has been employed at the PADEP laboratory since September, 2009, and worked as a Junior Water Quality Control Technician for a corporation in its laboratory for almost two years prior to joining PADEP. She has supervised a staff of analysts since August of 2016. Ms. Barry received her B.S. in Chemistry from Millersville University in 2007.

Ms. Barr will testify concerning her work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

13. Chad Sterling

Mr. Sterling has been employed at the PADEP laboratory since September of 2010 as a microbiologist. He has supervised a staff of Microbiologists since September of 2018. Mr. Sterling received his B.S. in Biology in 2005 from Indiana University of Pennsylvania.

Mr. Sterling will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

14. Michael Obercash

Mr. Obercash has been employed at the PADEP laboratory since 1980, first as a laboratory technician and then as a chemist. He retired in 2014, but currently works as a rehired retiree. He obtained a B.S. in Env. Resource Management from Penn State in 1978.

Mr. Obercash will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

15. Michael Chroscinski

Mr. Chroscinski has been employed as a microbiologist at the PADEP laboratory since 2010. In addition to non-scientific jobs, he was a lead chemist for a medical care company for 7 years. He obtained a M.S. in Pharmacology from Penn State College of Medicine in 2005, a M.S. in Information Systems from Penn State in 2004, and a B.S. in Biology from Lafayette College in 1991.

Mr. Chroscinski will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

16. Samuel Greer

Mr. Greer has been employed as a chemist at the PADEP laboratory since late 2016. He graduated from Millersville College in 2016 with a B.S. in Chemistry (environmental option).

Mr. Greer will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

17. John Werner

Mr. Werner has been employed as a chemist at the PADEP laboratory since July, 2014, and prior to that as a Chemistry Technician between 2010 and 2014. He attended Penn State University from 1998—2004 and Millersville University from 2007-10.

Mr. Werner will testify concerning his work in preparing samples for analysis and specific analytical results on samples specified in the Superseding Indictment.

Respectfully submitted,

BRUCE D. BRANDLER
Acting United States Attorney

By: /s/ Michelle L. Olshefski
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of October, 2021, I caused the foregoing “**Government’s Notice of Expert Testimony**” to be served upon Patrick Casey, Esquire, counsel of record for Evans Sr., and Bernard Brown, Esquire, counsel of record for Evans Jr. and that both Attorney Casey and Attorney Brown are filing users under the ECF system.

/s/ Michelle Olshefski
MICHELLE OLSHEFSKI
Assistant United States Attorney